Claims 1-14 stand rejected under 35 USC 103 as being unpatentable over the combined teachings of Harada et al. '663, Harada et al. (CA 119:139254e) and Kaku et al. (EP O 347 811). This rejection is traversed for the reasons that the references cited by the examiner do not render the compounds claimed herein prima facie obvious. None of the cited references teaches that R^4 (herein) is phenyl or naphthyl, for example. Since the instantly claimed compounds are neither included by the broadly generalized descriptions in the cited prior art, nor differ from the prior art as do homologs and/or isomers, then no presumption of obviousness arises. Absent a legal presumption of obviousness, no comparative showing of unexpected differences is required. Favorable reconsideration is solicited.

Although no legal presumption of obviousness is raised by the cited prior art, the applicants submit herewith a declaration by Dr. Misslitz. The test data in the declaration involves a comparison of a representative compound of the applicants' invention and the closest compounds of the cited references. The tabulated results clearly indicate that the applicants' compounds exhibit significantly stronger herbicidal powers than the compounds in the prior art. Thus, assuming, *arguendo*, that the prior art were to establish prima facie obviousness, the unexpected differences would render the applicants' compounds patentable.

In view of the foregoing amendment, the declaration by Dr. Misslitz and the remarks, the applicants respectfully urge that the inventions claimed herein are patentable, and allowance of the claims is solicited.

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Respectfully submitted,

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